APPEAL NO. 031825
FILED AUGUST 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on June 4, 2003. The hearing officer determined that the compensable injury of _____, does not include or extend to include an injury to the first, second, and third molars of the left upper quadrant of the mouth, to the left upper second bicuspid, or a skeletal class II division I malocclusion of the upper and lower front teeth (referred to collectively as the claimed dental injury).

The appellant (claimant) appeals, contending that the claimed dental injury did occur in the compensable 1993 motor vehicle accident (MVA). The respondent (carrier) responds, urging affirmance and contends that the claimant has not specifically, clearly, and concisely rebutted the hearing officer's decision.

DECISION

Affirmed.

We have reviewed the hearing officer's decision based on the inferred contention that the decision is not supported by the evidence.

The parties stipulated that the claimant sustained compensable injuries to his nose, head, face, back, hip, right knee, and aggravation of preexisting epilepsy on _____, when he was involved in a serious MVA. The claimant's statement taken in October 1993 asserts injury to the right side of his face "including [his] teeth." In April 1994 a crown was replaced on the upper right first molar. Another note dated September 21, 1995, from a dentist indicates that due to the MVA "this left upper side was damaged, and he need [sic] some new crowns." In January or February 2002 another dentist recommended partial dentures or implants, which resulted in the claimed dental injuries. A carrier-required medical examination dentist, in a report dated October 17, 2002, was of the opinion that the claimant suffered from a congential malocclusion, which is the cause of the claimed dental injury and is unrelated to the compensable MVA.

The testimony and medical evidence were in conflict in regard to the disputed issue and the evidence was sufficient to support the determinations of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the

evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **EMPLOYERS INSURANCE COMPANY OF WAUSAU** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.

_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Elaine M. Chaney
Appeals Judge

_____
Gary L. Kilgore
Appeals Judge